

REMARKS

Claim Status

Claims 1 – 18 are pending in the application. With this Response to Office Action, these claims are presented:

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| 1 and 2 | Currently Amended |
| 3 – 13 | Original |
| 14 - 20 | New |

Reconsideration and allowance are respectfully requested.

The Office Action

The Office Action requires a new title because the original one is allegedly not descriptive. Specifically, the Office Action stated that “[t]he title recites ‘Including Smart Coupons,’ however only ‘coupons’ are addressed in the specification and claims.” Applicants respectfully submit that although the term “Smart” is not used in the specification, this term aptly describes the way that the disclosed invention uses coupons. Nonetheless, the title has been amended to obviate this requirement.

Claims 1, 2, 4-7, 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being allegedly “Anticipated by Kraft (20040098377) in view of Podgurny et al. (20040176997) and further in view of O’Ryan (20020111853).”

Amended claims 1 and 2 recite “determining at least one connection parameter related to or affecting time involved in searching information relating to prices by sellers.” Claim 1 further recites “searching, responsive said at least one connection parameter so as to reduce search time, for multi-variable information relating to prices by sellers of a selected product,” and claim 2 further recites “searching, responsive said at least one connection parameter so as to reduce search time, for stated prices provided by sellers of a selected product” and “for discounts available from those sellers.” Neither Kraft, Podgurny nor O’Ryan discloses or suggests searching for such information responsive to such connection parameters so as to reduce search time. Therefore, these references cannot be used for a rejection of claims 1 or 2 under 35 U.S.C. § 103(a) because even in combination the disclosures do not suggest this feature of the claims.

In more detail, Kraft discusses a search status field as follows:

[0066] The search status field 525 is a bookkeeping value, and is not part of the search criteria. However, the search criteria 520 of the message can be formulated to include the search status. For example, the user at node B, 408, may limit the travel time of message 418 through the network 20 to a few hours, such as 4 hours. In which case, system 10 (at each node) will not rebroadcast the message after the time limit expires.

Thus, this field can be used to limit travel time of a message, but is not used to reduce search time. The remainder of Kraft also is not seen by Applicants to be related to searching for information responsive to connection parameters so as to reduce search time.

Podgurny discloses time data in the context of discount eligibility criteria (see paragraph [0023]), travel time in the context of a routing database (see paragraph

[0063]), and the like. Podgurny also discloses setting default values for the customer modifiable fields such as to reduce the time required for the user to enter the information (see paragraph [0118]). Neither these teachings nor the remainder of Podgurny is seen by Applicants to be related to searching for information responsive to connection parameters so as to reduce search time.

O’Ryan discloses that “[m]any times providing the required justification for purchases is extremely time consuming and in the worst cases causes the purchasing agent to abandon a deal involving a superior product” (see paragraph [0002]; see also paragraphs [0042] and [0074]). Neither these teachings nor the remainder of Podgurny is seen by Applicants to be related to searching for information responsive to connection parameters so as to reduce search time.

In view of the foregoing, the applied references alone or in combination fail to disclose or to suggest claim 1 and 2’s feature of searching for information responsive to connection parameters so as to reduce search time. Accordingly, reconsideration and withdrawal are respectfully requested of the § 103 rejection of claims 1 and 2.

The art applied against the claims that depend from claims 1 and 2 offers nothing to remedy the foregoing deficiencies of Katz, Podgurny, and O’Ryan. Accordingly, those claims are also allowable, and such action is respectfully requested. Additional reasons for allowance of some of these claims are discussed in more detail below.

Claim 8 is rejected under 35 U.S.C. 103(a) as applied to claims 1 and 2, as being Anticipated by Kraft (20040098377) in view of Podgurny et al. (200410176997) and further in view of O'Ryan (20020111853) as modified above, and further in view of Burnett (20020087408). Applicants submit that the disclosure of Kraft's searching online would not suggest that one looks to the disclosure of Burnett to search offline. As describe above, the searching disclosure of Kraft is a distinct online search, and would not suggest to one having ordinary skill in the art to look for "browsing various media, such as newspapers and magazines for advertisements" (off-line) as disclosed in Burnett. Peer-to-peer searching in Kraft requires a network to function, whereas the disclosure of Burnett would not suggest to one having skill in the art to combine these references.

Claim 9 recites "searching, independently of those steps of searching for a first element, for a second element of that multi-variable information". The recited text of claim 9 differs from the disclosed searching of Kraft because Kraft discloses an adaptive search technique not "searching, independently ... for a second element".

In more detail, the search in Kraft appears to include a fixed part and an adaptive part, with the adaptive part being modified as part of the process in Kraft. The Office Action alleges "searching for a first element of multi-variable elements is possible", however, the disclosure of Kraft does not disclose "searching, independently of those steps of searching for a first element, for a second element..." Because the search method of Kraft differs from the recited text of claim 9, it does not suggest the claimed element of claim 9 and cannot be used under 35 U.S.C. § 103(a) to reject claim 9.

Claim 13 recites “products not exactly equal to the selected product”. For example, products that meet a “degree-of-match” parameter can be included (see new claim 20). Applicants submit that none of the references in the Office Action disclose or suggest, either alone or in combination, the searching for products “not exactly equal to the selected product”. The Office Action cites Kraft’s adaptive searching wherein a message is modified and forwarded to the next node as “searching for a product not exactly equal to the selected product.” Applicant’s respectfully submit that the adaptive searching disclosed in Kraft does not modify the subject of Kraft’s search, but instead modifies “the adaptive update component” of the message (paragraph 017 line 5). The product or service in Kraft is part of the subject component of the message which is “fixed by the user and does not change” (paragraph 014 line 4). In the example given in paragraph 17 of Kraft, the adaptive update component of the message does not include the product, but instead includes a “lower price” or “shipping terms”. Therefore in Kraft, the product is exactly equal and does not change, whereas claim 13 recites “products not exactly equal.” Therefore Kraft does not disclose the recited text of claim 13.

Additionally, the Office Action, in rejecting claim 9 above, construes the disclosure of Kraft as “search criteria for the same product or service” (page 9). Thus Kraft does not disclose searching for products “not exactly equal to the selected product” as recited by claim 13.

New claim 15 recites a “time to live indication and the searching frequency is in response to the time to live indication” indication. Applicants submit that

none of the cited texts in the Office Action disclose or suggest a “time to live indication and the searching frequency is in response to the time to live indication.”

In more detail, Prodgurney discloses a “time delay after which the price quote is no longer valid” (paragraph 0216). However, claim 15 recites the “searching frequency is in response to the time to live indication” which is not disclosed in Podgurny. Because Podgurny does not disclose or suggest basing a search frequency on the disclosed time delay, but merely discloses storing the “time delay after which the price quote is no longer valid” it cannot be a basis for a rejection of claim 15.

New claim 16 recites a “connection reliability” indication. Applicants submit that none of the cited texts in the Office Action disclose, teach or suggest a “connection reliability” indication.

New claim 17 recites a “number of transactions”. Applicants submit that none of the cited texts in the Office Action disclose, teach or suggest this element.

New claim 18 recites “frequency of transactions with the seller”. Applicants submit that none of the cited texts in the Office Action disclose, teach or suggest the element of “frequency of transactions with the seller.”

New claim 19 recites “the multi-variable information is cached in advance”. Applicants submit that none of the cited texts in the Office Action disclose, teach or suggest the element wherein “the multi-variable information is cached in advance.”

Claims 8, 9, 13, and 15 to 19 are believed to be allowable over and above their base claims for the additional reasons set forth above, and such action is respectfully requested.

Applicants' decision not to argue all of the features of the dependent claims is not an admission that those features are disclosed or suggested by the applied art.

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CONCLUSION

This Application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Examiner is invited and encouraged to telephone Applicant's attorney at (650) 947-0700, with any questions, or with any matter that might assist in bringing this Application to allowance.

Respectfully submitted,

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